

SUMMARY STATEMENT

State v. Hansen

Case No. 46805

In an appeal arising out of Kootenai County, the Idaho Supreme Court reversed an order of the district court granting Cody Leigh Hansen's motion to suppress evidence found during a search of his vehicle.

In September of 2018, Hansen was stopped by an Idaho State Police Sergeant while driving on Interstate 90. After Hansen disclosed that he was on felony probation, the Sergeant asked if he would consent to a search of the vehicle. Hansen refused, but the Sergeant searched the vehicle nonetheless, arresting Hansen after finding methamphetamine and a pipe inside the vehicle. Hansen was indicted by a grand jury for possession of a controlled substance with intent to deliver. Before trial, Hansen filed a motion to suppress the evidence discovered inside his vehicle, arguing that he did not consent to the search and that he had effectively revoked the consent to be searched that he gave as a condition of his probation. The district court granted the motion to suppress, ruling that the Sergeant's reliance on Hansen's consent was unreasonable because he had expressly revoked the consent provided for in his probation agreement.

On appeal, the State argued that the district court erred in concluding that a probationer can withdraw the consent to searches given as a condition of his probation. The Idaho Supreme Court reversed, reasoning that a probation agreement, which is the product of a court order, cannot be unilaterally revoked by a probationer. Instead, the Court explained, a probationer may only revoke or alter a condition of his probation agreement in a hearing before the court that granted the probation. Because Hansen's attempt to revoke the consent provided for in his probation agreement was not made in court, the district court's order granting the motion to suppress was reversed and the case was remanded for further proceedings.